

# COOPER LAW FIRM

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February 7, 2019

VIA US MAIL AND EMAIL (bleblanc@baronbudd.com)

J. Burton LeBlanc, IV, Esq.  
Baron & Budd, P.C.  
3102 Oak Lawn Avenue, Suite 1100  
Dallas, TX 75219

RE: National Prescription Opiate Litigation (MDL 2804)

Dear Burton:

As you know, I am counsel for children born addicted to opioids in several state-wide class actions across the country. Judge Polster ordered, on November 8, 2018 (Doc. 1106), that the PEC make available reports derived from the ARCOS data that list for every county all manufacturers, distributors and pharmacies that make up over 5% of the opioid market share in that area so that non-Track One case can amend their complaints to reflect proper parties by March 16, 2019. Is it the position of the PEC that this order applies to non-governmental entities such as the baby classes? We would appreciate some clarity on this.

Assuming this is the case, we may need special accommodation in light of the unique position of the baby class actions. The classes I represent are state-wide and require ARCOS data at the state-wide level of analysis, as opposed to the county level data geared toward municipalities that is currently available. Could you arrange to provide such reports for the state class actions that have been transferred to the MDL? Those states include West Virginia, Maryland, Louisiana, Tennessee, California, Missouri, Illinois, and Ohio.<sup>1</sup> My signed acknowledgment of the protective order is attached.

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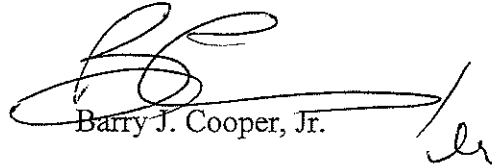
<sup>1</sup> If you are unable to provide the state-wide data, we would appreciate the county reports for: Mingo County, West Virginia; Nicholas County, West Virginia; Macoupin County, Illinois; Jefferson County, Missouri; Solano County, California; Fayette County, Tennessee; Baltimore County, Maryland; St. Tammany Parish, Louisiana; and Ross County, Ohio.

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Further, we may require additional time to analyze the ARCOS data once produced and would appreciate your assistance in securing an exemption from the March 16 deadline and/or additional time to make any necessary amendments to the baby class action complaints.

Thank you for your efforts. We look forward to working with you.

Sincerely,

  
Barry J. Cooper, Jr.

BJCjr/lr

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION

This document relates to:

*All Cases*

Case No.: 1:17-md-2804-DAP

Honorable Dan Aaron Polster

EXHIBIT A TO CASE MANAGEMENT ORDER NO. 2

ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND BY PROTECTIVE ORDER

The undersigned agrees:

I declare under penalty of perjury that I have read in its entirety and understand the Protective Order (CMO No. 2) that was issued by the United States District Court for the Northern District of Ohio on May 15, 2018 in *In re: National Prescription Opiate Litigation* (the "Protective Order").

I agree to comply with and to be bound by all the terms of the Protective Order, and I understand and acknowledge that failure to so comply could expose me to sanctions and punishment in the nature of contempt. I solemnly promise that I will not disclose in any manner any information or item that is subject to the Protective Order to any person or entity except in strict compliance with the provisions of the Protective Order.

I further agree to submit to the jurisdiction of the United States District Court for the Northern District of Ohio for the purposes of enforcing terms of the Protective Order, even if such enforcement proceedings occur after termination of these proceedings.

Date: December 18th, 2018

City and State where sworn and signed: New Orleans, Louisiana

Printed Name: Barry J. Cooper, Jr.

Signature: *Barry J. Cooper, Jr.*